



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 24 2014

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Trustee  
Adele C. Stewart Trust  
11746 Kile Road  
Chardon, Ohio 44024

Re: Russell Stewart Drums Site  
11746 Kile Road, Chardon, Ohio  
Site Spill Identification Number: C52M  
General Notice of Potential Liability

Dear Trustee:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Russell Stewart Drums Site (RSDS) and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of a site and persons who generated the hazardous substances or were involved in the transport, treatment or disposal of the hazardous substances at a site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the RSDS, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the RSDS:

1. Contain hazardous materials present on the property;
2. Conduct monitoring and sampling activities;

3. Prepare for and dispose of hazardous materials;
4. Perform other actions to investigate contamination on the property that EPA may determine to be necessary; and
5. Take any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

EPA has received information that the Adele C. Stewart Trust owns or operates the RSDS and may have owned or operated the RSDS at the time hazardous substances were disposed of at the RSDS. By this letter, EPA notifies you, as the representative of the Adele C. Stewart Trust, of the potential liability of the Trust with regard to this matter and encourages the Trust, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the RSDS. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order.

Because of the conditions at the RSDS, EPA believes that response activities at the RSDS must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, the Trust should notify EPA in writing within seven (7) business days of receipt of this letter of its willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to:

Ruth Woodfork, Enforcement Specialist  
U.S. Environmental Protection Agency, Region 5  
Superfund Division - Enforcement & Compliance Assurance Branch  
Enforcement Services Section 1, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of potential responsibility in connection with the RSDS and that the Trust has declined any involvement in performing the response activities.


Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities,

engaged in a voluntary cleanup action or involved in a lawsuit regarding this site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Sheila McAnaney, Assistant Regional Counsel, at 312-353-3114.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo - El -", followed by a horizontal line.

Jason El-Zein, Chief  
Emergency Response Branch #1

Russell Stewart Drums Site (RSDS)

List of Potentially Responsible Parties Sent General Notice of Potential Liability

Mr. Russell Stewart  
11746 Kile Road  
Chardon, Ohio 44024

Mr. Tom Mesterhazy, President  
Clark Oil & Chemical Company  
7555 Bessemer Avenue  
Cleveland, Ohio 44127

Stanley Industries  
Attn: Mr. Jay Cusick, Registered Agent  
19120 Cranwood Parkway  
Warrensville Heights, Ohio 44128

Associated Enterprises  
Attn: Ohio Associated Enterprises, LLC  
1382 W. Jackson Street, Box 110  
Painesville, Ohio 44077